

REMARKS

Claims 1-23 were originally filed in this application. In the current response claims 1, 9 and 16 have been amended. Accordingly, claims 1-23 are pending and at issue.

Interview Summary

Applicants' attorney, Matthias Abrell, requested and conducted an telephonic interview with examiner Árpád Kovács on December 7, 2005. Claim 9 was discussed in detail, with claim 1 receiving a cursory review. Specifically, applicants requested a clarification of where the recitation "an arcuate bottom wall extending outwardly from the shaft," as is recited in claim 9, is taught or suggested by U.S. Patent 5,190,140 (*Buschbom*). The examiner contended that an arcute bottom wall was shown in Fig. 21 of *Buschbom*, even though the curvature of bottom wall in *Buschbom* was oriented opposite the curvature of the current bottom wall. After speaking with his primary examiner, the examiner stated that if the curvature of the paddle was given additional orientation relative to the shaft, it would overcome the teachings of *Buschbom*.

Response to the §102 rejections

Claims 1-23 were rejected under 35 U.S.C. 102 (b) as anticipated by *Buschbom*. The current application discloses a portable motorized grain scoop that includes a paddle arrangement for scooping and propelling particulate matter, such as grain. In particular, claim 1 recites a paddle assembly wherein each paddle includes a bottom wall that extends along an entire width of the paddle in a substantially planar manner between a first side wall and a second side wall, claim 9 recites a plurality of paddles wherein each paddle has an arcuate bottom wall, wherein the bottom wall is arcuate about an axis parallel to the shaft, and claim 16 recites a body, a handle and at least one wheel for moving the apparatus from a first to a second position, and a plurality of paddles each having an arcuate bottom wall, wherein the bottom wall is arcuate about an axis parallel to the shaft.

Applicants respectfully submit that *Buschbom* fails to disclose each and every element of the claims and, therefore, fails to anticipate the rejected claims.¹

¹ "Anticipation under 35 U.S.C. § 102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention." *Rockwell International Corp. v. United States*, 47 USPQ2d 1027 (Fed. Cir. 1998).

Buschbom discloses a material handing apparatus having a housing that supports an impeller assembly that includes a plurality of paddle assemblies. The apparatus, as can best be determined, is not indented to be moved from a first to a second position, nor does *Buschbom* disclose any structure, such as a handle or wheels, for effectuating such movement. The paddles of *Buschbom*, as best seen in Fig. 15, includes a bottom wall (118) that extends between two angled walls (119, 121).

In contrast to the present application, however, the *Buschbom* apparatus does not include wheels or a handle, as recited in claim 16, nor do the *Buschbom* paddles include a bottom wall that extends along an entire width of the paddle in a substantially planar manner, as recited in claim 1. In addition, the *Buschbom* paddles do not include a bottom wall that is arcuate about an axis parallel to the shaft, as recited in claims 9 and 16. In fact, the *Buschbom* paddles do not include and arcuate wall at all.

The applicants, therefore, respectfully submit that the anticipation rejection of claims 1, 9, and 16 and their respective dependent claims should be withdrawn.

In light of the foregoing, the prompt issuance of a notice of allowance is respectfully solicited. Should the examiner have any questions, he is respectfully invited to telephone the undersigned.

Respectfully submitted,

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